



SEATING AND MERCHANDISING ENCROACHMENT APPLICATION AND RENEWAL FORM

Return to: City of Bloomington, Engineering Department; 401 N. Morton Street, Suite # 130;
PO Box 100 Bloomington, IN 47402 (812) 349-3417

12.06.040 Applications for Encroachments. *No business may encroach onto the public right-of-way for purposes of seating or merchandising without a permit granted through the provisions of this chapter. Encroachment for these purposes without a valid permit is a violation of the provisions of this chapter subject to authorized remedies and penalties described later in the chapter. **Applications for encroachment shall be submitted to the Department using the prescribed form no sooner than twenty one (21) days before the expiration of an existing permit and at least sixty (60) days prior to the date the applicant wishes the encroachment to begin.** In a given calendar year encroachments may not begin before 01 March. Applications approved by staff shall be submitted to the Board of Public Works for final authorization.*

Note: Submission of this application to the Engineering Department certifies that the applicant has read in its entirety and understands **Chapter 12.06 of the Bloomington Municipal Code** entitled "Sidewalk Seating and Merchandising Encroachments."

Applicant Information:

(1) Date _____

(2) Printed Name _____ Signature _____

(3) Daytime Phone Number _____

(3) Street Address of Property Where Encroachment is Requested _____

(4) Length of Time Requested for Encroachment _____

(5) Name, Street Address and Phone Number of the Property Owner if Different than the Applicant _____

(6) What is the Proposed Use of the Encroachment? (Check One)

(7) This is a (Check One):

_____ **Renewal** (Check ONLY if the requested area is **exactly** the same as on the previous application submitted)

_____ **New Application**

_____ **Seating Area** (Attach required items listed under Seating Requirements)

_____ **Retail Area** (Attach required items listed under Retail Requirements)

Seating Requirements (Renewals provide only #6):

In addition to the information required above, a detailed site plan must be attached that includes, but is not limited to, the following:

- 1) The proposed use, materials, colors and design;
- 2) Relationship of the outdoor seating to the adjacent existing building with identified uses and entrances;
- 3) Spatial relationship of the proposed outdoor seating to the existing sidewalk and to any existing public improvements, including, but not limited to, benches, lights, light poles, telephone/power poles, fire hydrants, planters, tree plots, tree grates, landscaping, sign posts, newspaper boxes, etc.;
- 4) The exact dimensions and total square footage of the proposed outdoor seating area;
- 5) The existing and proposed circulation pattern for pedestrians and other ambulatory citizens with exact dimensions of the clear straight pathway;
- 6) Evidence that abutting property owners and/or lessees have been notified of the proposed encroachment; and,
- 7) Plans for the operation of the outdoor seating, including, but not limited to, hours of operation, services to be provided, maintenance and cleaning.

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Retail Requirements (Renewals provide only #6):

In addition to the information required above, a detailed site plan must be attached that includes, but is not limited to, the following:

- 1) The proposed use and items to be displayed;
- 2) Relationship of display to the adjacent existing building with identified uses and entrances;
- 3) Spatial relationship of the proposed encroachment to existing sidewalk and to any existing public improvements including, but not limited to, benches, lights, light poles, telephone/power poles, fire hydrants, planters, tree plots, tree grates, landscaping, sign posts, newspaper boxes, etc.;
- 4) The exact dimensions and total square footage of the proposed encroachment;
- 5) The existing and proposed circulation pattern for pedestrians and other ambulatory citizens with exact dimensions of the clear straight pathway;
- 6) Evidence that abutting property owners and/or lessees have been notified of the proposed encroachment;
- 7) Plans for the operation of the encroachment, including, but not limited to, hours of operation, services to be provided, maintenance and cleaning.

In Addition, The following items must be attached to this application:

1) Insurance:

- The Permittee must furnish the Engineering Department with a certificate of insurance establishing proof of a comprehensive general liability policy naming the City of Bloomington as one of the insured to the extent of at least \$500,000 bodily injury and \$100,000 property damage, which shall be in effect during the term of this authorization.

2) Application Fee:

- **To process an initial application for an outdoor seating or merchandising encroachment permit at a specific location, the fee is \$100.00; for a renewal of the same type, the fee is \$50.00.** Only payment by cash, check or money order made payable to the City of Bloomington will be accepted.
- **No application will be processed until the fee is collected in full.**
- No fee shall be charged for processing applications for encroachments that will be limited to four days or less in a calendar year.
- No refund shall be made where a permit is revoked or suspended for any reason.

12.05.050. Permit Issuance and Conditions

- 1) Each permit shall be effective for one year of its date of issuance.
- 2) The permit issued is personal to the permittee only and is not transferable. Specifically, transfer of ownership of the business adjacent to the encroachment requires application for a new permit.
- 3) The Board or Department may require the removal, temporary or permanent, of the outdoor seating or merchandising encroachment when redevelopment of the street or sidewalk or utility repairs necessitates such action, or when the permittee fails to comply with any provisions of this chapter or section.
- 4) The permittee shall be responsible for expenses incurred in removing the outdoor seating or merchandising encroachment;
- 5) The City's officers and employees may immediately remove, without notice, all or parts of the outdoor seating or merchandising encroachments in an emergency situation. The City, its officers and employees, shall not be responsible for outdoor seating or merchandising components relocated or damaged during emergencies.
- 6) The permit covers only the area specifically described in the application.
- 7) All signage must be in compliance with the Bloomington Municipal Code.
- 8) Permittee acknowledges that seating and tables are not for the exclusive use of permittee's customers, but may be used by the general public.
- 9) The outdoor seating and merchandising area must be maintained and kept clean.
- 10) Any other conditions of approval which the Department deems appropriate.
- 11) The permit does not give the permittee a right to keep the boundaries of the outdoor seating and merchandising encroachment or maintain structures within such encroachment in the event there is a change in local, state, or federal law or regulation that would require a wider path along or other alteration of the City's right of way.